

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-VS-

11-CR-6083

GINA TATA,

Defendant

Siragusa, J. This case was referred by order of the undersigned, docketed May 2, 2011 (Docket # 2), to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On August 1, 2011, Defendant filed an omnibus motion (Docket # 58) seeking various forms of relief, including a request for the suppression of statements, as well as a hearing in that regard. As to the suppression of statements, on November 21, 2011, Magistrate Judge Payson filed a Report and Recommendation ("R&R") (Docket # 94) recommending that the Court deny Defendant's motion to suppress, since the request was not supported by an affidavit on the part of a person with knowledge. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, Defendant's application to suppress statements is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
January 11, 2012

ENTER:

/s/ Charles J. Siragusa

CHARLES J. SIRAGUSA
United States District Judge